

# HB3972



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB3972

Introduced 1/10/2012, by Rep. John D'Amico

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-610.2

Amends the Illinois Vehicle Code. Provides that a person may not operate a motor vehicle on a roadway while using an electronic communication device (rather than only prohibiting the composing, sending, or reading of electronic messages while operating a vehicle) unless the electronic communication device is used in hands-free or voice-activated mode or one of 5 other limited exceptions apply.

LRB097 15981 HEP 61132 b

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Section 12-610.2 as follows:

6 (625 ILCS 5/12-610.2)

7 Sec. 12-610.2. Electronic communication devices.

8 (a) As used in this Section, ~~Section:~~ "Electronic  
9 communication device" means an electronic device, including  
10 but not limited to a wireless telephone, personal digital  
11 assistant, or a portable or mobile computer ~~while being used~~  
12 ~~for the purpose of composing, reading, or sending an electronic~~  
13 ~~message,~~ but does not include a global positioning system or  
14 navigation system or a device that is physically or  
15 electronically integrated into the motor vehicle.

16 ~~"Electronic message" means a self-contained piece of~~  
17 ~~digital communication that is designed or intended to be~~  
18 ~~transmitted between physical devices. "Electronic message"~~  
19 ~~includes, but is not limited to electronic mail, a text~~  
20 ~~message, an instant message, or a command or request to access~~  
21 ~~an Internet site.~~

22 (b) A person may not operate a motor vehicle on a roadway  
23 while using an electronic communication device ~~to compose,~~

1 ~~send, or read an electronic message.~~

2 (c) A violation of this Section is an offense against  
3 traffic regulations governing the movement of vehicles.

4 (d) This Section does not apply to:

5 (1) a law enforcement officer or operator of an  
6 emergency vehicle while performing his or her official  
7 duties;

8 (2) a driver using an electronic communication device  
9 for the sole purpose of reporting an emergency situation  
10 and continued communication with emergency personnel  
11 during the emergency situation;

12 (3) a driver using an electronic communication device  
13 in hands-free or voice-activated mode;

14 (4) a driver of a commercial motor vehicle reading a  
15 message displayed on a permanently installed communication  
16 device designed for a commercial motor vehicle with a  
17 screen that does not exceed 10 inches tall by 10 inches  
18 wide in size;

19 (5) a driver using an electronic communication device  
20 while parked on the shoulder of a roadway; or

21 (6) a driver using an electronic communication device  
22 when the vehicle is stopped due to normal traffic being  
23 obstructed and the driver has the motor vehicle  
24 transmission in neutral or park.

25 (Source: P.A. 96-130, eff. 1-1-10; 96-1000, eff. 7-2-10.)